

CHAPTER 54 DEFINITIONS

Secs.
5499

Definitions

5499 DEFINITIONS

5499.1 When used in this title, the following terms and phrases shall have the meaning ascribed:

Above-ground tank - a device meeting the definition of tank in these regulations and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

Accidental occurrence - an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage neither expected nor intended from the standpoint of the insured.

Accumulated speculatively - a material is accumulated speculatively if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that during the calendar year (commencing on January 1st) the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five percent (75%) by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the seventy-five percent (75%) requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under §4100.17 are not included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

Act - the District of Columbia Hazardous Waste Management Act of 1977 (HWMA), as amended, D.C. Law 2-64, D.C. Code §6-701 *et seq.*

Active life - The period from the initial receipt of hazardous waste at the facility until the Director receives certification of final closure.

Active portion - that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after the effective date of Chapter 41 and which is not a closed portion.

Administrator - the Administrator of the United States Environmental Protection Agency, or an authorized representative.

Amount of liability coverage - the annual aggregate amounts for which coverage is required under §4407.22.

Ancillary equipment - means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tanks(s), between hazardous waste storage and treatment tanks to a point of disposal on-site, or to a point of shipment for disposal off-site.

Application - the standard Department form for applying for a permit, including any additions, revisions or modifications to the forms; or forms approved by the Department for use in the District, including any approved modifications or revisions. Application also includes the information required by the Director under §§4601.24 through 4601.38 (contents of Part B of the HWMA application).

Aquifer - a geological formation, group of formations, or part of a formation capable of yielding a significant amount of water to a well or spring.

Assets - all existing and all probable future economic benefits obtained or controlled by a particular entity.

Authorized representative - the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

Bodily injury - has the meaning given by applicable District law. However, bodily injury under this chapter does not include those liabilities which, consistent with standard insurance industry practice, are excluded from coverage in liability policies.

Boiler - an enclosed device using controlled flame combustion and having the following characteristics:

- (a) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases;
- (b) The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units;
- (c) While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty percent (60%), calculated in terms of the recovered energy compared with the thermal value of the fuel;

- (d) The unit must export and utilize at least seventy-five percent (75%) of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or
- (e) The unit is one which the Regional Administrator of the U.S. Environmental Protection Agency has determined, on a case-by-case basis, to be a boiler, after considering the standards for such a variance.

By product - is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

Certification - a statement of professional opinion based upon knowledge and belief.

Closed portion - that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements.

Closure - the act of securing a Hazardous Waste Management Facility pursuant to the requirements of chapter 44.

Closure plan - the plan for closure prepared in accordance with the requirements of §§4406.2 through 4406.9.

Component - either the tank or ancillary equipment of a tank system.

Confined aquifer - an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

Consignee - the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent.

Container - any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Contingency plan - a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Corrosion expert - a person who, by reason of his or her knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. A person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

Current assets - cash or other assets or resources commonly identified as those which are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

Current closure cost estimate - the most recent of the estimates prepared in accordance with §§4407.5, 4407.9 and 4407.10.

Current liabilities - obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

CWA - the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 92-217 and Pub. L. 95-576; 33 U.S.C. 1251 *et seq.*

Department - District of Columbia Department of Consumer and Regulatory Affairs.

Designated facility - a hazardous waste treatment, storage, or disposal facility which has received a hazardous waste management permit from the District of Columbia, an EPA permit (or a facility with interim status), a permit from a State authorized in accordance with federal regulations, or what is regulated under §4100.34 or 4505 of this title and that has been designated on the manifest by the generator pursuant to §§4201.1 through 4201.4.

Dike - an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

Director - Director of the Department of Consumer and Regulatory Affairs or his or her designee.

Discarded - abandoned (and not used, re-used, reclaimed or recycled) by being:

- (a) Disposed of;
- (b) Burned or incinerated, except where the material is being burned as a fuel for the purpose of recovering usable energy; or
- (c) Physically, chemically, or biologically treated (other than burned or incinerated) in lieu of or prior to being disposed of.

Discharge or hazardous waste discharge - the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

Displacement - the relative movement of any two (2) sides of a fault measured in any direction.

Disposal - the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Disposal facility - a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste shall remain after closure.

Disposed of - discharged, deposited, injected, dumped, spilled, leaked or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into ground or surface waters.

District or D.C. - District of Columbia.

District Agency - any department, agency or other instrumentality of the District Government.

District of Columbia/EPA Agreement - an agreement between the Regional Administrator and the District of Columbia which coordinates EPA and District of Columbia activities, responsibilities and programs.

Domestic sewage - unrestricted sanitary wastes that pass through a sewer system.

Draft permit - a document prepared under §4700.12 indicating the Director's tentative decision to issue or deny, modify, suspend and reissue, terminate, or reissue a permit. A notice of intent to revoke a permit, and a notice of intent to deny a permit, as discussed in §4700.11 are types of draft permits. A denial of a request for modification, suspension and reissuance, or revocation, as discussed in §4700.11 is not a "draft permit." A proposed permit is not a draft permit.

Elementary neutralization unit - a device which:

- (a) Is used for neutralizing wastes which are hazardous wastes only because they exhibit the corrosivity characteristic defined in §4102.6, or are listed in §4103 only for this reason; and
- (b) Meets the definition of tank, container, transport vehicle, or vessel in these regulations.

Emergency permit - a HWMA permit issued in accordance with §§4605.2 through 4605.3.

Environmental Protection Agency - the United States Environmental Protection Agency (EPA).

EPA Acknowledgement of Consent - the cable sent to EPA from the U.S. Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

EPA hazardous waste number - the number assigned by EPA to each hazardous waste listed in §203 and to each characteristic identified in §4102.

EPA Identification Number - the number assigned by EPA to each generator, transporter, and treatment, storage, or disposal facility.

EPA Region - the States and territories found in any one of the following ten (10) regions:

- (a) Region I - Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island;
- (b) Region II - New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands;
- (c) Region III - Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia;
- (d) Region IV - Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida;
- (e) Region V - Minnesota, Wisconsin, Illinois, Michigan, Indiana and Ohio;
- (f) Region VI - New Mexico, Oklahoma, Arkansas, Louisiana, and Texas;
- (g) Region VII - Nebraska, Kansas, Missouri, and Iowa;
- (h) Region VIII - Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado;
- (i) Region IX - California, Nevada, Arizona, Hawaii, Guam, American Samoa, Commonwealth of the Northern Mariana Islands; and
- (j) Region X - Washington, Oregon, Idaho, and Alaska.

Equivalent method - any testing or analytical method approved by the Administrator under §§4001.1 through 4001.10.

Existing hazardous waste management (HWM) facility or existing facility - a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if:

- (a) The owner or operator has obtained the Federal and District of Columbia approvals or permits necessary to begin physical construction; and either a continuous on-site, physical construction program has begun; or
- (b) The owner or operator has entered into contractual obligations which cannot be canceled or modified without substantial loss-for physical construction of the facility to be completed within a reasonable time.

Existing portion - that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to issuance of a permit.

Existing tank system or Existing Component - means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals

or permits necessary to begin physical construction of the site or installation of the tank system and if either:

- (1) A continuous on-site physical construction or installation program has begun; or
- (2) The owner or operator has entered into contractual obligations which can not be cancelled or modified without substantial loss for physical construction of the site or installation of the tank system to be completed within a reasonable time.

Face amount - the total amount the insurer is obligated to pay under the policy.

Facility - all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

Fault - a fracture along which rocks on one side have been displaced with respect to those on the other side.

Federal agency - any department, agency, or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any government corporation, and the Government Printing Office.

Federal and District of Columbia approvals or permits necessary to begin physical construction - permits and approvals required under federal or District of Columbia hazardous waste control statutes, regulations or ordinances.

Final Closure - the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under Chapter 44 are no longer conducted at the facility unless subject to the provisions in §4202.7.

Flood, 100-year - a flood that has a one percent chance of being equaled or exceeded in a year.

Floodplain, 100-year - any land area which is subject to a one percent or greater chance of flooding in any year.

Food-chain crops - tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

Free liquids - liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

Freeboard - the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

Generator - any person, by site, whose act or process produces hazardous waste identified or listed in Chapter 41 or whose act first causes a hazardous waste to become subject to regulation.

Ground-Water - water below the land surface in a zone of saturation.

Hazardous waste - a hazardous waste as defined in §§4100.11 through 4100.14.

Hazardous waste constituent - a constituent that caused the Director to list the hazardous waste in §4103 or a constituent listed in Table I of §4102.11.

Hazardous Waste Management Unit - is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

Holocene - the most recent epoch of the Quaternary Period, extending from the end of the Pleistocene to the present.

Household Waste - household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or revised. "household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A source recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous waste for the purposes of regulation under this section, if such facility:

- (a) Receives and burns only:
 - (1) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources) and
 - (2) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
- (b) The facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

HWMA - the District of Columbia Hazardous Waste Management Act of 1977 (HWMA), as amended, D.C. Law 2-64, D.C. Code 6-701 *et seq.*

HWM facility - Hazardous Waste Management facility.

In operation - refers to a facility which is treating, storing, or disposing of hazardous waste.

Inactive portion - that portion of a facility which is not operated after the effective date of Chapter 41.

Incinerator - any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.

Industrial furnace - any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy:

- (a) Cement kilns;
- (b) Lime kilns;
- (c) Aggregate kilns;
- (d) Phosphate kilns;
- (e) Coke ovens;
- (f) Blast furnaces;
- (g) Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machine, roasters, and foundry furnaces) titanium dioxide chloride process oxidation reactors;
- (h) Methane reforming furnaces;
- (i) Pulping liquor recovery furnaces;
- (j) Combustion devices used in the recovery of sulfur values from spent sulfuric acid; and
- (k) Any other devices as the Director may, after notice and comment, add to this list on the basis of one or more of the following factors:
 - (1) The design and use of the device primarily to accomplish recovery of material products;
 - (2) The use of the device to burn or reduce raw materials to make a material product;
 - (3) The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;
 - (4) The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product; and
 - (5) The use of the device in common industrial practice to produce a material product; and other factors as appropriate.

Incompatible waste - a hazardous waste which is unsuitable for the following:

- (a) Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or
- (b) Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

Independently audited - an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

Individual generation site - the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

Inground tank - a device meeting the definition of tank whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

Injection well - a well into which fluids are injected. (See also "underground injection.")

Inner liner - a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

In operation - a facility which is treating, storing, or disposing of hazardous waste.

Installation inspector - a person who, by reason of his knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

Interim authorization - approval by EPA of a State hazardous waste program which has met the requirements of §3006 of RCRA and applicable requirements (c) of Part 271, Subpart B of 40 CFR.

International shipment - the transportation of hazardous waste into or out of the jurisdiction of the United States.

Land disposal - the placement in or on the land and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or concrete vault or bunker intended for disposal purposes.

Landfill - a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, and underground mine, or cave.

Landfill cell - a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

Land treatment facility - a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste shall remain after closure.

Leachate - any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

Leak Detection System - a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. The system must employ operational controls (e.g. daily visual inspections for releases into the secondary containment system of above-ground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

Legal defense costs - any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

Liabilities - probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

Liner - a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

Major facility - any facility or activity classified as such by the Regional Administrator, or, in the case of approved State programs, the Regional Administrator in conjunction with the State Director.

Management or hazardous waste management - the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

Manifest - the shipping document EPA form 8700-22 and, if necessary, EPA form 8700-22A, originated and signed by the generator in accordance with the instructions included in the Appendix to Part 262 of 40 CFR.

Manifest document number - the U.S. EPA twelve (12) digit identification number assigned to the manifest by the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

Manufacturing or mining by-product - a material that is not one of the primary products of a particular manufacturing or mining operation, is a secondary and incidental product of the particular operation and would not be solely and separately manufactured or mined by the particular manufacturing or mining operation. The term does not include an intermediate manufacturing or mining product which results from one of the steps in a manufacturing or mining process and is typically processed through the next step of the process within a short time.

Mining overburden returned to the mine site - any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

Miscellaneous unit - a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, and treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 40 CFR Part 146, or unit eligible for a research, development, and demonstration permit under §§4605.4 through 4605.7.

Movement - that hazardous waste transported to a facility in an individual vehicle.

National Pollutant Discharge Elimination System - the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under §§307, 318, 402, and 405 of the CWA. The term includes an approved program.

Net working capital - current assets minus current liabilities.

Net worth - total assets minus total liabilities and is equivalent to owner's equity.

New hazardous waste management facility or new facility - a hazardous management facility which began operation, or for which construction commenced after October 21, 1976.

New tank system or new tank component - a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after July 14, 1986; except, however, for purposes of §4409.21(b), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system.")

Non-sudden accidental occurrence - an occurrence which takes place over time and involves continuous or repeated exposure.

NPDES - National Pollutant Discharge Elimination System.

Off-site - any site which is not on-site.

On ground tank - a device meeting the definition of "tank" and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

On-site - the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way.

Non-contiguous properties owned by the same person but connected by a right-of-way which he or she controls and to which the public does not have access, is also considered on-site property.

Open burning - the combustion of any material without the following characteristics:

- (a) Control of combustion air to maintain adequate temperature for efficient combustion;
- (b) Containment of the combustion-reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- (c) Control of emission of the gaseous combustion products. (See also "incineration" and "thermal treatment").

Operator - the person responsible for the overall operation of a facility.

Other waste material - any solid, liquid, semi-solid or contained gaseous material, resulting from industrial, commercial, mining or agricultural operations, or from community activities which:

- (1) Is discarded or is being accumulated, stored or physically, chemically or biologically treated prior to being discarded;
- (2) Has served its original intended use and sometimes is discarded; or
- (3) Is a manufacturing or mining by-product and sometimes is discarded.

Owner - the person who owns a facility or part of a facility.

Owner or operator - the owner or operator of any facility or activity subject to regulation under HWMA.

Parent corporation - a corporation which directly owns at least fifty percent (50%) of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation.

Partial closure - The closure of a hazardous waste management unit in accordance with the applicable closure requirements of Chapter 44 of this subtitle at a facility that contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

Permit - an authorization, license, or equivalent control document issued by the Department to implement the requirements of these regulations. Permit includes permit-by-rule §§4605.1 through 4605.1(c)(4), and emergency permit. Permit does not include HWMA interim status, or any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Permit-by-rule - a provision of these regulations stating that a facility or activity is deemed to have a HWMA permit if it meets the requirements of the provision.

Person - an individual, trust, firm, joint stock company, District agency, Federal agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

Personnel or facility personnel - all persons who work, at, or oversee the operations of a hazardous waste facility, and whose actions or failure to act may result in noncompliance with the requirements of Chapter 44.

Phase I - that phase of the Federal hazardous waste management program commencing on the effective date of the last of the following to be initially promulgated: 40 CFR Parts 260, 261, 263, 265, 270 and 271. Promulgation of Phase I refers to promulgation of the regulations necessary for Phase I to begin.

Phase II - that phase of the Federal hazardous waste management program commencing on the effective date of the first Subpart of 40 CFR Part 264, Subparts F through R to be initially promulgated. Promulgation of Phase II refers to promulgation of the regulations necessary for Phase II to begin.

Physical construction - excavation, movement of earth, erection of forms or structures, or similar activity to prepare a HWM facility to accept hazardous waste.

Pile - any non-containerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage.

Point source - any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

POTW - Publicly Owned Treatment Works

Primary Exporter - any person who is required to originate the manifest for a shipment of hazardous waste in accordance with §4201, which specifies a treatment storage or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

Property damage - has the meaning given by applicable District law. However, property damage does not include those liabilities which, consistent with standard insurance industry practice, are excluded from coverage in liability policies.

Publicly Owned Treatment Works - any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a "State" or "municipality" (as defined by §502(4) of the CWA). This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

RCRA - the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580, as amended by Pub. L. 95-609 and Pub. L. 96-482, 42 U.S.C. 6901 *et seq.*).

Receiving Country - a foreign country to which a hazardous waste is sent for the purpose of treatment, storage or disposal (except short term storage incidental to transportation.)

Reclaimed - a material is reclaimed if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

Recycled - a material is recycled if it is used, reused, or reclaimed.

Regional Administrator - the Regional Administrator of the appropriate Regional Office of the U.S. Environmental Protection Agency or the authorized representative of the Regional Administrator.

Representative sample - a sample of a universe or whole (e.g., waste pile, lagoon, ground water) which can be expected to exhibit the average properties of the universe or whole.

Run-off - any rainwater, leachate, or other liquid that drains over land from any part of a facility.

Run-on - any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

Saturated zone or zone of saturation - that part of the earth's crust in which all voids are filled with water.

Schedule of compliance - a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the appropriate Act and regulations.

Scrap metal - is bits and pieces of metal parts (e.g.) bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

SDWA - the Safe Drinking Water Act (Pub. L. 95-523, as amended by Pub. L. 95-2900; 42 U.S.C. 3001 *et seq.*).

Site - the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Sludge - any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Small quantity generator - a generator, who generates less than one hundred (100) kilograms of hazardous waste or less than one (1) kilogram of acutely hazardous waste in a calendar month.

Solid waste - any garbage, refuse, sludge, or any other waste material which is not excluded under §§4100.3 through 4100.10.

Spent material - is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

State - any of the fifty (50) States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Storage - the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed, or stored elsewhere.

Sudden accidental occurrence - an occurrence which is not continuous or repeated in nature.

Sump - any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serves to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities.

Surface impoundment or impoundment - a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

Tangible net worth - the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

Tank - a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

Tank system - a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

Thermal treatment - the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge (See also "incinerator" and "open burning.").

Totally enclosed treatment facility - a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

Transfer facility - any transportation related building located on private property in which shipments of hazardous waste are held during the normal course of transportation.

Transit country - any foreign country, other than a receiving country, through which a hazardous waste is transported.

Transportation - the movement of hazardous waste by air, rail, highway, or water.

Transporter - a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

Transport vehicle - a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

Treatability Study - a study in which a hazardous waste is subjected to a treatment process to determine: (1) whether the waste is amenable to the treatment process; (2) what pre-treatment (if any) is required; (3) the optimal process conditions needed to achieve the desired treatment; (4) the efficiency of a treatment process for a specific waste or wastes; or (5) the characteristics and volumes of residuals from a particular treatment process. Also included in this definition for the purpose of the 40 CFR §§261.4 (e) and (f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A treatability study is not a means to commercially treat or dispose of hazardous waste.

Treatment - any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

Treatment zone - a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

UIC - the Underground Injection Control Program under Part C of the Safe Drinking Water Act, including an approved program.

Underground injection - the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension (See also "injection well.").

Underground tank - a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

Underground source of drinking water - an aquifer or its portion:

- (a) Which supplies any public water system; or
- (b) Which contains a sufficient quantity of ground water to supply a public water system; and
 - (1) Currently supplies drinking water for human consumption; or
 - (2) Contains fewer than ten thousand mg/1 (10,000) total dissolved solids; and
- (c) Which is not an exempted aquifer.

Unfit-for use tank system - a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

Uniform Manifest or Manifest - the EPA required shipping document originated and signed by the generator.

United States - the fifty (50) States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Unsaturated zone or zone of aeration - the zone between the land surface and the water table.

Uppermost aquifer - the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

USDW - underground source of drinking water.

Used or Reused - a material is "used or reused" if it is either:

- (a) Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
- (b) Employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

Vessel - every description of watercraft, used or capable of being used as a means of transportation on the water.

Washout - the movement of hazardous waste from the active portion of a facility as a result of flooding.

Wastewater treatment unit - a device which:

- (a) Is part of a wastewater treatment facility which is subject to regulation under either §307(b) or 402 of the Clean Water Act;
- (b) Receives and treats or stores an influent wastewater which is a hazardous waste as defined in §§4100.11, through 4100.14, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in §§4100.11, through 4100.14, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in §§4100.11, through 4100.14; and
- (c) Meets the definition of tank in this chapter.

Water (bulk shipment) - the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

Well - any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

Well injection - See "Underground Injection."

Zone of engineering control - an area under the control of the owner/operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to ground-water or surface-water.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §6 of the District of Columbia Hazardous Waste Management Act of 1977, as amended, D.C. Law 2-64, D.C. Code §6-701 *et seq.* (1995 Repl. Vol.), Mayor's Order 78-185 dated September 19, 1978.

SOURCE: Final Rulemaking published at 43 DCR 1077 (March 1, 1996), incorporating by reference the text of chapters 40 through 54.

